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SEAL

**DECLARATION FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MULTIVALENT VACCINE FOR CLOSTRIDIUM BOTULINUM NEUROTOXIN**, the specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/405,49603/16/95Pending*Application Serial No.**Filing Date**Patented, Pending or Abandoned*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: **James A. Williams**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 2013 Greenway Cross, Apartment #6, Madison, Wisconsin 53713

Citizenship: UNITED STATES OF AMERICA

Post Office Address: 2013 Greenway Cross, Apartment #6, Madison, Wisconsin 53713

Full Name of Second Joint Inventor: **Bruce S. Thalley**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 126 Marinette Trail, Madison, Wisconsin 53705

Citizenship: UNITED STATES OF AMERICA

Post Office Address: 126 Marinette Trail, Madison, Wisconsin 53705



Express Mail Label No.: **121 692 786 US**

**PATENT**  
Attorney Docket No.: **OPHD-02304**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **James A. Williams *et al.***

Serial No.:

Group No.:

Filed:

Examiner:

Entitled:

**MULTIVALENT VACCINE FOR *CLOSTRIDIUM*  
*BOTULINUM* NEUROTOXIN**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE**

OPHIDIAN PHARMACEUTICALS, INC., as assignee of record of the entire interest of the above-identified patent application, hereby appoints the members of the firm of MEDLEN & CARROLL, a firm composed of:

Virginia S. Medlen (Reg. No. 32,050)  
Peter G. Carroll (Reg. No. 32,837)  
Kamrin T. MacKnight (Reg. No. 38,230)  
Cynthia Soumoff (Reg. No. 38,314)  
Diane E. Ingolia (Reg. No. 40,027)  
Todd A. Lorenz (Reg. No. 39,754)  
Christopher J. Smith (Reg. No. 40,179)

as its attorneys with full power of substitution to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

Please direct all future correspondence and telephone calls regarding this application to:

Diane E. Ingolia  
MEDLEN & CARROLL  
220 Montgomery Street, Suite 2200  
San Francisco, California 94104  
Telephone: 415/705-8410  
Facsimile: 415/397-8338

I hereby certify that the Assignment document filed with the application or filed subsequent to the filing date of the application, has been reviewed and I hereby certify that, to the best of my knowledge and belief, title is with OPHIDIAN PHARMACEUTICALS, INC.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Douglas C. Stafford  
President and Chief Operating Officer  
OPHIDIAN PHARMACEUTICALS, INC.  
5445 East Cheryl Parkway  
Madison, Wisconsin 53711



Applicant/Statentee:

James A. Williams *et al.***MULTIVALENT VACCINE FOR CLOSTRIDIUM  
BOTULINUM NEUROTOXIN****VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL  
ENTITY STATUS (37 CFR § 1.9(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

OPHIDIAN PHARMACEUTICALS, INC.  
5445 East Cheryl Parkway, Madison, Wisconsin 53711

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **MULTIVALENT VACCINE FOR CLOSTRIDIUM BOTULINUM NEUROTOXIN** by inventors named **James A. Williams *et al.***, described in the specification filed herewith.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: \_\_\_\_\_

\_\_\_\_\_  
Douglas C. Stafford  
President and Chief Operating Officer